

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH ~~CA~~ ~~MR. J. M. NAIR~~
CAMP NAGPAL

199

O.A. NO: 489/92

T.A. NO:

DATE OF DECISION 18/4/95

N.M.Joshi

Petitioner

Shri M. Ayyub

Advocate for the Petitioners

Versus

Union of India & Others

Respondent

Shri P.S. Lambat

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice M.S.Deshpande, Vice Chairman.

The Hon'ble Mr. P.P.Srivastava, Member(A).

1. Whether Reporters of local papers may be allowed to see the Judgement ? ~

2. To be referred to the Reporter or not ? ~

3. Whether their Lordships wish to see the fair copy of the Judgement ?

4. Whether it needs to be circulated to other Benches of the Tribunal ? ~

Chairman

(M.S.DESHPANDE)
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH CAMP AT NAGPUR.

C.A.489/92.

N.M.Joshi

... Applicant

V/s.

Union of India & Others

... Respondents.

CORAM: Hon'ble Shri Justice M.S.Deshpande, Vice Chairman.

Hon'ble Shri P.P.Srivastava, Member(A).

APPEARANCES:

Shri M.Ayyub, Counsel for
Applicant.

Shri P.S.Lambat, Counsel for
Respondents.

ORAL JUDGMENT:

DATED : 18/4/95.

I Per Shri M.S.Deshpande, Vice Chairman I

The applicant was appointed as a Typist in 1957 and a Time Keeper on 18/9/58. In the revised Seniority List of Junior Clerks, the multiple seniority group in the Engineering Department were merged together in accordance with the Memorandum No.233 of 1979, ^{& he} The applicant's name was shown at Sr.No.29 ^{was senior to} respondent No.3 who was shown at Sr.No.51. The applicant was promoted as Head Clerk with effect from 1/10/81, while respondent-3 was promoted as Head Clerk w.e.f. 28/11/83. The grievance of the applicant is that the respondent-3 was promoted as OS Gr.I on 31/1/85 and upon representation being made by the applicant, he came to be reverted as OS Gr.II. In either case, the respondent-3 could not have been promoted before the applicant to the OS Gr.II or OS Gr.I and by this application, he prays for Fixation of the seniority in the cadre of Head Clerk above that of Respondent-3 and Promotion to the post of O.S.(I) and fixation of the seniority above that of Respondent-3 with all consequential benefits.

2. The applicant made representation and the first

representation which he had made seems to be on 22/10/90 because that before, the reference is to be found in a later representation which he made on 30/11/90 (Annexure-I). It is apparent that there were no other representations between 1985 and 1990. The letter dated 19/2/91 shows that the Applicant's Seniority will be regulated by Estt. Sl.No.300/63 in terms of which whenever persons from different seniority group are merged together the seniority in non selection grade will be in accordance with the length of non fortuitous service in the Grade as on that crucial date of merger.

3. We have already pointed out that the applicant has a grievance about the promotion given to respondent-3 as O.S. Gr.I in 1985. On the representation of the applicant, respondent-3 was reverted in 1985. Obviously, the applicant should have approached the Tribunal or approached the appropriate authority when the respondent-3 came to be promoted. The applicant has however not brought to our notice the representation made by him immediately upon the respondent-3's promotion as O.S. Gr.I or Gr.II. A reference was also made on the decision of this Tribunal rendered adjudged on 17/8/93 in OA-768/87 in P.Gangaram V/s. Union of India but that was an application filed soon after the reversion of the applicant made from the post of Office Superintendent Gr.I to the post of Office Superintendent Gr.II and the direction therein was that the applicants promotion to the grade of Office Superintendent Gr.I be antedated to 1.1.1984 instead of the various dates in August 1985 on which they were actually promoted. The applicant should have approached this Tribunal in due course.

4. The Respondents have pointed out in their reply that the applicant by virtue of his earlier date of appointment was senior to respondent-3 and was promoted as Head Clerk on Adhoc Basis on 1/10/81 during the pendency of the Court Cases in Calcutta High Court. After the judgement of this

case the final seniority list has been prepared in 1985 in terms of Estt. Sr.No.300/63. Applicants' position in the scale of Rs.130-300 has been granted from 7/4/67 since he was promoted from 7/4/67 in Time Keeper Grade. Respondent-3 was originally appointed on 5/5/58^{and} he became senior to the applicant since he was promoted in the scale 130-300 from 1/10/62 in stores group during the pendency of the case.

Therefore, we see no merit in the applicant ^{him} and the OA is dismissed.



(P.P. SRIVASTAVA)
MEMBER (A)

(M.S. DESHPANDE)
VICE CHAIRMAN

abp.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

R.P.NO. (N) 9/95

in

DA.NO. 489/92

Shri N.M.Joshi

... Applicant

V/S.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande
Hon'ble Member (A) Shri P.P.Srivastava

Tribunal's Order By Circulation

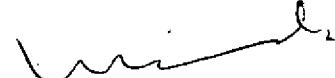
Dated: 25/8/95

(PER: P.P.Srivastava, Member (A))

We have gone through the Review Petition.

We do not find any new material which has been brought out by the applicant which would warrant any review of the judgement which has already been given in this case. The applicant has also not brought out any error on the face of record. In view of this, the Review Petition is dismissed in liminit.


(P.P.SRIVASTAVA)
MEMBER (A)


(M.S.DESHPANDE)
VICE CHAIRMAN

mrj.